

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICKEY BILLS,

Plaintiff,

Case No. 15-cv-11414
Hon. Matthew F. Leitman

v.

PAUL KLEE, *et al.*,

Defendants.

**ORDER (1) OVERRULING PLAINTIFF’S OBJECTION (ECF No. 93) TO
ORDER DENYING PLAINTIFF’S MOTION AND SETTING CASE
DEADLINES (ECF No. 92)**

Plaintiff Rickey Bills is a state inmate in the custody of the Michigan Department of Corrections. In this prisoner civil-rights action, Bills alleges that the Defendants interfered with his right to access the courts and retaliated against him for filing lawsuits. (*See* Sec. Am. Compl., ECF No. 67.)

On July 14, 2020, the Court received a filing from Bills. (*See* ECF No. 91.) The filing was difficult to follow, but it was titled “This Motion,” and the assigned Magistrate Judge therefore construed the filing as a motion. (*See* Order, ECF No. 92.) In the motion, Bills (1) sought permission to amend his Complaint to add a claim arising out of the confiscation of a defibrillator that he was provided and (2) asked the Court to provide him certain documents that it had previously mailed to him during the March – June 2017 time period. (*See* ECF No. 91.)

The Magistrate Judge issued an order denying the motion on January 19, 2021. (*See* Order, ECF No. 92.) The Magistrate Judge first denied Bills’ request to amend his Complaint. (*See id.*, PageID.978.) He explained that Bills was not entitled to amend at this late stage of the case, and, in any event, Bills’ proposed claim arising out of the confiscation of his defibrillator was unrelated to his only remaining claims in this action. (*See id.*) The Magistrate Judge next concluded that there were no documents pertinent to Bills’ claims for the Court to send him from the time period Bills’ identified. (*See id.*) Finally, the Magistrate Judge set a schedule for the parties to file witness lists, complete discovery, and file dispositive motions. (*See id.*, PageID.979.)

On February 2, 2021, Bills filed what he called an “objection” to the Magistrate Judge’s order. (*See* Objection, ECF No. 93.) But in the objection, Bills did not identify what portion(s) of the Magistrate Judge’s order were objectionable. Nor did he raise any issue with the Magistrate Judge’s legal analysis. Instead, he explained that he recently had a false-positive COVID-19 test, he had been transferred to a medical facility away from his legal papers, and he could not file objections at that time. (*See id.*) Then, on March 15, 2021, Bills filed a second document with the Court. (*See* ECF No. 97.) In that document, Bills again said that he could not file objections because of his false-positive COVID-19 test and his subsequent separation from his legal papers. (*See id.*, PageID.997.) Bills therefore

“request[ed] that the objections be carried over for when [he] do[es] the discovery.” (*Id.*, PageID.997.) Bills also included with this document a witness list that complied with the Magistrate Judge’s scheduling order. (*See id.*, PageID.998-999.)

Bills’ objection is **OVERRULED**. He has not identified any specific objection to the Magistrate Judge’s order. Nor has he even suggested in the broadest sense how the Magistrate Judge may have erred. Moreover, Bills has not shown that his separation from his legal papers left him unable to file objections to the Magistrate Judge’s order. The order was relatively straight-forward, and Bills has not sufficiently explained why the separation from his legal papers rendered him unable to explain why he believed the Magistrate Judge may have erred. Finally, it appears that Bills now has access to his legal materials and typewriter again, and he has demonstrated an ability to follow the Magistrate Judge’s order by timely filing his witness list in compliance with the Magistrate Judge’s instructions. Bills simply has not provided any basis to sustain his objections or to grant him additional time to raise more-specific objections. The Court will therefore not disturb the Magistrate Judge’s order.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 20, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 20, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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